IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

Crl.Rev.Pet.No. 580 of 2000(H)

CRL.A.84/1997 OF ADDL. SESSIONS COURT, ALAPPUZHA
CA.211/1994 JDUL.MAGISTRATE OF FIRST CLASS, RAMANKARI.

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REVISION PETITIONER/APPELLANT/ACCUSED:

HARIDAS,
S/O. MADHAVAN,
ATTIYILVEEDU,
KUMARAKAM PANCHAYATH WARD NO. VII,
KOTTAYAM DISTRICT.

BY ADV. SRI.K.A.SALIL NARAYANAN.

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
(CRIME NO. 36/94 OF KAINADY POLICE STATION).

BY PUBLIC PROSECUTOR SRI. AMJAD ALI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 11/09/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P. NO. 3254/2000 IN CRL.R.P. NO. 580/2000-A

DISMISSED

11/09/2007. **SD/- K.R.UDAYABHANU, JUDGE.**

//TRUE COPY//

prv.

K.R. UDAYABHANU, J.

CRL.R.P.NO. 580 OF 2000

DATED THIS THE 11th September 2007

ORDER

The revision petitioner stands convicted for the offence under Section 324 I.P.C. and sentenced, as modified by the appellate court to undergo rigorous imprisonment for a period of one year. The prosecution case is that on 25-6-1994 at about 5.30 p.m. the accused on account of enmity due to a dispute relating to the tapping of the coconut trees attacked PW1 with a tapper's knife and inflicted incised wounds on the shoulder joint, right arm and the abdomen.

2. The evidence adduced in the matter consisted of the testimony of Pws.1 to 6 and Exts.P1 to P6 and MO.1 tapper's knife.

3. Counsel for the revision petitioner has sought for modification of sentence. It is pointed out that the accused and the de facto complainant are neighbours and engaged in the same profession in the same locality and for about 13 years he was facing the criminal proceedings and living under the shadow of the impending imprisonment and that the entire family is depending on the sole income of the accused. In the circumstances, the sentence imposed for the offence under Section 324 is modified to imprisonment till the

rising of the court and to pay a compensation of Rs.50,000/- to the de facto complainant and in default to undergo simple imprisonment for nine months. The revision petitioner/accused is granted four months time to remit the amount of compensation. He shall appear before the Judicial First Class Magistrate, Ramankary on 14-1-2007. The Crl. revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P. NO. 580 of 2000

ORDER

11-9-2007